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T.R.A. DOCKET ROOM  
March 8, 2005

Guy M. Hicks  
General Counsel

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VIA HAND DELIVERY

Hon. Pat Miller, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Petition to Establish Generic Docket to Consider Amendments to  
Interconnection Agreements Resulting from Changes of Law*  
Docket No. 04-00381

Dear Chairman Miller:

Attached are fifteen copies of a letter BellSouth is providing today to Director Tate as Hearing Officer in the referenced matter.

Copies have been provided to counsel of record.

Very truly yours,

A handwritten signature in black ink, appearing to be "Guy M. Hicks", written over the typed name.

Guy M. Hicks

GMH:nc

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VIA HAND DELIVERY

Hon. Deborah Taylor Tate, Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Petition to Establish Generic Docket to Consider Amendments to  
Interconnection Agreements Resulting from Changes of Law*  
Docket No. 04-00381

Dear Hearing Officer Tate:

Attached is a March 7, 2005 letter from BellSouth to the CLECs stating that BellSouth will continue to receive, and will not reject, CLEC orders for "new adds" until the earlier of (1) an order from an appropriate body, either a commission or a court, allowing BellSouth to reject these orders; or (2) April 17, 2005. This represents an extension from the previous date of March 11. By doing this, BellSouth intends to allow the Authority and other state commissions additional time to fully and carefully consider this important issue in a measured way, rather than in the context of the various "emergency" filings created by the dilatory tactics of a number of CLECs. These CLECs created the so-called emergency by waiting until the eleventh hour to file their motions. That type of tactic, in which a party attempts to force the TRA's hand by claiming that time is running out, is unfair to other parties and to the TRA.

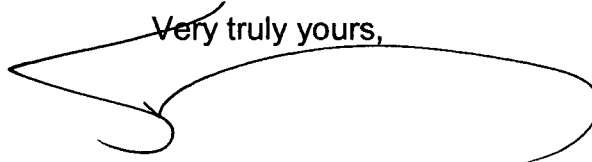
BellSouth understands that oral argument has been scheduled in this proceeding on March 14, 2005. Given the April 17, 2005 date referenced in BellSouth's letter, the TRA will have several weeks to consider the various pleadings, hear argument at the March 14 conference, and, if it chooses, to deliberate the issues at the next conference on March 28. In this fashion, the TRA can take the time it needs to evaluate this matter without the false pressure created by the last-minute CLEC filings.

Yesterday, BellSouth filed its response to the Joint Petitioners' *Motion for Emergency Relief*. BellSouth will also file its responses shortly to MCI's *Motion for Emergency Relief Concerning UNE-P Orders* and Cinergy's similar motion, which were filed even later than the Joint Petitioners' *Motion*. The TRA will have all of these

Hon. Deborah Taylor Tate, Hearing Officer  
March 8, 2005  
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responses in time to review and consider the issues for several weeks before the April 17, 2005 date in BellSouth's new ERT letter.

Very truly yours,

A handwritten signature in black ink, consisting of a large, sweeping loop that starts under the word "yours," and extends to the right and then curves back down to the left, ending under the name "Guy M. Hicks".

Guy M. Hicks

GMH:nc

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**BellSouth Interconnection Services**

675 West Peachtree Street  
Atlanta, Georgia 30375

**Carrier Notification  
SN91085061**

Date: March 7, 2005

To: Competitive Local Exchange Carriers (CLEC)

Subject: CLECs – (Interconnection/Contractual and Product/Service) – Triennial Review Remand Order (TRRO) - Unbundling Rules

On February 4, 2005, the Federal Communications Commission (FCC) released its permanent unbundling rules in the Triennial Review Remand Order (TRRO).

On February 11, 2005, BellSouth released Carrier Notification letter **SN91085039**, in which BellSouth set forth its understanding of the TRRO, particularly as it affected BellSouth's obligations to provide a number of former Unbundled Network Elements ("UNEs") after March 11, 2005. Specifically, BellSouth acknowledged that there would be a transition period for the embedded base of these former UNEs, but concluded that the FCC had intended to stop all "new adds" of these former UNEs effective March 11, 2005.

BellSouth posted this Carrier Notification letter on February 11, 2005, in order to provide the CLECs with as much lead time as possible in order to allow the CLECs to take whatever steps were necessary to adjust to the new situation created by the TRRO. Unfortunately, the step chosen by a number of CLECs in response to the clear language of the FCC dealing with "new adds" has been to ask various state commissions to order BellSouth to continue to accept such "new adds." Indeed, this approach has, to date, been successful in at least one jurisdiction, Georgia.

Furthermore, notwithstanding the fact that BellSouth's Carrier Notification SN91085039 was posted on February 11, 2005, various CLECs continue, as recently as March 3, 2005, to file requests with state commissions that have not addressed this question. These requests remain pending before state commissions and it is not clear, because of the delay in filing of these requests by the CLECs, that all state commissions will have a full and adequate opportunity to consider the important issue of whether the FCC actually meant what it said in its order when it indicated that there would be no "new adds." Indeed, at the present time there are at least two commissions in BellSouth's region that have scheduled consideration of the CLECs' requests at a date beyond March 11, 2005, the effective date of the TRRO, and the date that BellSouth had established to prevent unlawful "new adds."

Because of these events, BellSouth herewith revises the implementation date contained in Carrier Notification SN91085039 in the following respects. BellSouth will continue to receive, and will not reject, CLEC orders for "new adds" as they relate to the former UNEs as identified by the FCC for a short period of time. BellSouth will continue to accept CLEC orders for these "new adds" until the earlier of (1) an order from an appropriate body, either a commission or a court, allowing BellSouth to reject these orders; or (2) April 17, 2005. By doing this, BellSouth intends to allow those commissions who have not had the opportunity to fully and carefully consider the requests of the CLECs and the responses of BellSouth, to do so in a measured way, rather than via various "emergency" proceedings created by the dilatory tactics of a number of CLECs.

By extending the time during which BellSouth will accept these orders, BellSouth does not abandon its legal position that the clear words of the FCC mean exactly what they say. BellSouth will continue to pursue that position before the state commissions, and to the extent that a commission has ruled adversely to BellSouth's position, in the courts. Specifically, BellSouth will be asking the appropriate courts to stay any such adverse order we receive.

In addition, BellSouth hereby puts the CLECs on notice that it intends to pursue the various CLECs who place orders for "new adds" after March 10, 2005 to the greatest extent of the law, in an effort to recover the revenue that BellSouth loses as a result of the placement of these unlawful orders. Should any state commission be inclined to ignore the plain language of the FCC's TRRO, and to order BellSouth to continue accepting "new adds" until the issue is fully resolved, BellSouth will ask that commission to require CLECs to compensate BellSouth, in the event BellSouth ultimately prevails in its legal claim, for any former UNE added after March 10, 2005, in an amount equal to the difference in the rate paid by the CLEC and the appropriate rate BellSouth should have collected (either commercial or resale, depending on which service option the CLEC ultimately elects).

As noted in Carrier Notification SN91085039, CLECs will continue to have several options involving switching, loops and transport available to serve their new customers. To this end, with regard to the combinations of switching and loops that constituted UNE-Platform (UNE-P), BellSouth is offering CLECs these options:

- Short Term (3-6 month) Commercial Agreement to provide a bridge between the effective date of the Order and the negotiation of a longer term commercial agreement,
- Long Term Commercial Agreement (3 years, effective January 1, 2005, with transitional discounts available under those agreements executed by March 10, 2005)

In addition, most CLECs, if not all, already have the option of ordering these former UNEs, and particularly the combination of loops and switching, as resale, pursuant to existing interconnection agreements. With regard to the former high capacity loops and transport UNEs, BellSouth has two options for CLECs to consider. Specifically, CLECs may either elect to order resale of BellSouth's Private Line Services or alternatively, may request Special Access service.

Finally, as stated in Carrier Notification letter SN91085032 concerning the availability of a long term commercial agreement, through March 10, 2005, BellSouth will continue to offer its current DS0 Wholesale Local Voice Platform Services Commercial Agreement ("DS0 Agreement") with transitional discounts off of BellSouth's market rate for mass market platform services. Beginning March 11, 2005, BellSouth will offer a DS0 Agreement, but the existing transitional discounts will not be available.

To obtain more information about this notification, please contact your BellSouth contract negotiator.

Sincerely,

**ORIGINAL SIGNED BY JERRY HENDRIX**

Jerry Hendrix – Assistant Vice President  
BellSouth Interconnection Services

## CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2005, a copy of the foregoing document was served on the following, via the method indicated:

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